

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

May 2, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on May 2, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

Girl Scout Troop 1795 led the Salute to the Flag.

Council President LaRocca asked for a moment of silence for the victims of the Boston bombing attack.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder, Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

Also present were: Mayor Jonathan L. Hornik, Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Councilwoman Mazzola moved that the minutes of April 4, 2013 be approved. This was seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor.

The following Resolution #2013-153 (Budget Amendment) was introduced by reference, offered by Councilman Cantor and seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-153

RESOLUTION OF THE TOWNSHIP OF MARLBORO COUNTY OF MONMOUTH,
STATE OF NEW JERSEY TO AMEND APPROVED BUDGET IN
ACCORDANCE WITH THE PROVISIONS OF 40A:4-9

WHEREAS, the local municipal budget for 2013 was approved on March 14, 2013; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, the Mayor and Township Council desire to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth that the following amendments to the approved budget of 2013 be made:

	<u>FROM</u>	<u>TO</u>
CURRENT FUND REVENUES		
Sheet 4		
1. Surplus Anticipated	\$2,618,290.01	\$2,810,399.22
Sheet 7		
FEMA Reimbursement	\$ 212,000.00	\$ 0.00
Total Sect D: Interlocal Service Agreements	\$ 212,000.00	\$ 0.00
Sheet 10		
FEMA Reimbursement	\$ 0.00	\$ 212,000.00
Sheet 10A		
Total Section G: Special Items of General Revenue	\$ 806,590.39	\$1,018,590.39
Sheet 11		
1. Surplus Anticipated	\$2,618,290.01	\$2,810,399.22
6a. Local Tax for Municipal Purposes	24,496,806.21	24,304,697.00
7. Total Revenues	\$33,128,124.23	\$33,128,124.23

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2013 Local Municipal Budget as amended.

The following Resolution #2013-154 (Amend 2012 Tax Levy to Reflect Tax Appeals) was introduced by reference, offered by Councilman Metzger and seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-154

RESOLUTION OF THE TOWNSHIP OF MARLBORO
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
TO AMEND THE 2012 TAX LEVY TO REFLECT TAX APPEALS
IN ACCORDANCE WITH THE PROVISIONS OF 40A:4-41

WHEREAS, the tax levy 2012 per the Tax duplicate was \$139,285,905.73, and

WHEREAS, in addition to the levy per duplicate was \$2,844,871.99 in support of the fire districts; and

WHEREAS, the amount levied for omitted taxes in accordance with NJSA 54:4-63.12 was \$544,871.89; and

WHEREAS, the subtotal of the 2012 levy amounted to \$142,675,649.61, and

WHEREAS, according to the 2012 Annual Financial Statement there was a reduction in the aforementioned subtotal due to tax appeals in the amount of \$564,702.86,

NOW, THEREFORE, BE IT RESOLVED, by the Governing body of the Township of Marlboro, County of Monmouth that in accordance with the provisions of NJSA 40A:4-41 the 2012 tax levy is hereby reduced to reflect the reduction due to successful tax appeals in the amount of \$564,702.86 resulting in a modified tax levy for 2012 in the amount of \$142,110,946.75.

Council President La Rocca opened the Public Hearing on the 2013 Municipal Budget. As there was no one who wished to speak, the Public Hearing was closed. The following Resolution #2013-155 (Adoption of 2013 Municipal Budget) was introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-155

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2013 MUNICIPAL BUDGET

WHEREAS, the 2013 Township of Marlboro Municipal Budget was introduced on March 14, 2013; and

WHEREAS, the required public hearing was scheduled and held on May 2, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Marlboro hereby adopts the 2013 Township of Marlboro Municipal Budget.

The following Resolution #2013-156/Ordinance #2013-12 (Amend Chapter 220 - Rezoning Block 213, Lots 3 and 4 From OPT-2 Zone to C-2 Zone and Zoning Map; Amending Section 220-81(C) (1) to Add a New Permitted Use in C-1 Village Commercial District; Amending Section 220-140 to Establish Setback for Small Sheds; Amending Section 220-34(B) (2) to Expand Grandfathering Provisions to Vacant Lots in Existing Subdivision; and Amending Section 220-41 to Amend Yield Provisions for Large Residences Built Pursuant to Cluster Provisions) was introduced by reference, offered by Council Vice President Marder, seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-156

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-12

AN ORDINANCE REZONING THE PROPERTY KNOWN AS BLOCK 213 LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE PROPERTY LOCATED ON ROUTE 79 NEAR THE INTERSECTION OF ROUTE 520 FROM THE OPT-2 ZONE TO THE C-2 ZONE AND AMENDING THE ZONING MAP ACCORDINGLY, AMENDING SECTION 220-81 (C) (1) OF THE CODE TO ADD A NEW PERMITTED USE IN THE C-1 VILLAGE COMMERCIAL DISTRICT, AMENDING SECTION 220-140 OF THE CODE TO ESTABLISH SPECIFIC SETBACK STANDARDS FOR SMALL SHEDS AS ACCESSORY STRUCTURES, AMENDING SECTION 220-34 (B) (2) TO EXPAND THE SCOPE OF THE GRANDFATHERING PROVISIONS TO VACANT LOTS WHICH ARE PART OF AN EXISTING SUBDIVISION AND AMENDING SECTION 220-41 OF THE CODE TO AMEND THE YIELD PROVISIONS FOR LARGE RESIDENCES BUILT PURSUANT TO THE CLUSTER PROVISIONS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 13, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the portions of this ordinance rezoning the property known as Block 213 Lots 3 and 4 for the property located on Route 79 near the intersection of Route 520 was recommended as part of a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89.

ORDINANCE # 2013-12

AN ORDINANCE REZONING THE PROPERTY KNOWN AS BLOCK 213 LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE PROPERTY LOCATED ON ROUTE 79 NEAR THE INTERSECTION OF ROUTE 520 FROM THE OPT-2 ZONE TO THE C-2 ZONE AND AMENDING THE ZONING MAP ACCORDINGLY, AMENDING SECTION 220-81 (C) (1) OF THE CODE TO ADD A NEW PERMITTED USE IN THE C-1 VILLAGE COMMERCIAL DISTRICT, AMENDING SECTION 220-140 OF THE CODE TO ESTABLISH SPECIFIC SETBACK STANDARDS FOR SMALL SHEDS AS ACCESSORY STRUCTURES, AMENDING SECTION 220-34 (B) (2) TO EXPAND THE SCOPE OF THE GRANDFATHERING PROVISIONS TO VACANT LOTS WHICH ARE PART OF AN EXISTING SUBDIVISION AND AMENDING SECTION 220-41 OF THE CODE TO AMEND THE YIELD PROVISIONS FOR LARGE RESIDENCES BUILT PURSUANT TO THE CLUSTER PROVISIONS

WHEREAS, the July 2012 Master Plan Re-Examination Report recommended that the property known as Block 213 Lots 3 and 4 on the Official Tax Map of the Township of Marlboro located on Route 79 near the intersection of County Route 520 be rezoned from its current OPT-2 Zoning to C-2 Zoning: and

WHEREAS, there has been a request to re-zone the property to the C-2 Zone; and

WHEREAS, the property is four (4) acres in size; and

WHEREAS, the proposed C-2 zoning is consistent with the adjacent property at the intersection of Routes 79 and 520, and

WHEREAS, there are no Environmental constraints on the site and the area is located in the sewer service area.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, that the property known as Block 213 Lots 3 and 4 on the Official Tax Map of the Township of Marlboro located on Route 79 near the intersection of Route 520 is hereby rezoned from the OPT-2 Zone to the C-2 Zone

as per the July 2012 Master Plan Re-Examination and a rezoning request.

BE IT FURTHER ORDAINED, that the Official Zoning Map of the Township of Marlboro authorized by Section 220-34(B) of the Code of the Township of Marlboro is hereby amended to provide that the property located at Block 213 Lots 3 and 4 on Route 79 near the intersection with County Route 520 shall be shown as part of the C-2 Zone.

BE IT FURTHER ORDAINED, that Section 220-81(C)(1) of the Code of the Township of Marlboro setting forth the permitted uses in the C-1 Village Commercial District is hereby amended and supplemented to add a new section 220-81(C)(1)(f) with a new permitted use in the zone as follows:

(f) Single family detached dwellings and accessory structures as existing or approved within the zone at the time of the passage of this ordinance. The Area, Yard and Building requirements of the MFD-1 residential zone for single family homes shall be applicable to these existing residential uses.

BE IT FURTHER ORDAINED, that Section 220-140 of the Code of the Township of Marlboro entitled "Accessory Buildings and Structures" is hereby amended and supplemented to amend section 220-140(E) entitled "Location" to renumber the section and add a new provision establishing specific setback standards to be solely applicable to small sheds which are placed on a property as an accessory structure as follows:

E. Location. 1) Accessory buildings or structures may be erected on lots in accordance with the schedule of limitations, except that no commercial animal shelter shall be erected nearer than 500 feet, or any livestock shelter nearer than 100 feet, to any lot line, and except that these provisions shall not apply to parking spaces in front yards. If located in a front yard, accessory buildings or structures shall be set back a minimum of twice the distance from any street line than is required for a principal building. Accessory structures in second front yards shall be set back the same distance from the street line as the principal structure is required to be set back. If located on a corner lot, the provisions of this chapter also apply.

2) The setbacks for sheds that are placed on a property as an accessory structure and are not larger than one hundred (100) square feet and not taller than twelve (12') feet in height and which only require the issuance of a zoning permit shall be a minimum of five (5') feet from the rear and side property lines. Not more than one such shed shall be permitted to be placed on the property.

BE IT FURTHER ORDAINED, that Section 220-34(B)(2) entitled "Grandfathering Clause" is hereby amended and supplemented and renumbered to expand the scope of the grandfathering provisions to vacant lots which are part of an existing subdivision in which some, but not all, of the approved lots have been developed and have dwellings constructed on them as follows:

1) Grandfathering clause. 1) The requirements of the LC Land Conservation District shall not apply to any property referenced in Ordinance No. 2006-15 that maintains a single-family residential structure, as of the effective date of said ordinance, that is in full compliance with the requirements of the R-80 Residential District and any other applicable state and Township laws and requirements, provided that said property would not be further subdivided. Should such an application to subdivide come forward, the applicant would then be required to meet the zoning standards established for the LC Land Conservation District. In all other instances, the zoning standards in place for the R-80 Residential District would apply.

2) In the event that a property has been part of a previously approved residential subdivision in which some, but not all, of the approved lots have been developed and have dwellings constructed on them and if such development has been rezoned subsequent to the subdivision approval, then vacant lots within the existing or approved subdivision(s) may be developed in accordance with the same approvals issued to the original subdivision under the former zoning requirements. This provision shall not be applicable to any remnant lot in undeveloped areas that may be subject to further subdivision, or whose development as a single family residential lot was not approved as part of the subdivision approval under the applicable former zoning.

BE IT FURTHER ORDAINED, that Section 220-41 of the Code of the Township of Marlboro entitled "CLUSTER PROVISIONS" is hereby amended by modifying Section 220-41 (I)(1), " FLOODPLAINS AND WETLANDS" as follows:

(1) The subdivider shall submit a plat map showing the development according to the requirements of the particular zoning district as shown on the Schedule of Area, Yard and Building Requirements in § 220-34 and another plat map showing the development as modified in accordance with the cluster provision of that particular zone. If the proposed residential dwellings are equal to or greater than 10,000 square feet in size the density of development throughout the proposed subdivision may exceed the exact number of lots that would be permitted to be built if such development had proceeded on the noncluster lot size provision eliminating the existing and delineated wetlands and floodplains. If the proposed residential dwellings do not

equal or exceed 10,000 square feet in size, the density of the development shall not exceed the exact number of lots that would be permitted if such development had proceeded on the noncluster lot size provision eliminating the existing and delineated wetlands and floodplains. The plat showing the subdivision at its nonclustered lot size exclusive of the existing and delineated wetlands and floodplains shall be the governing factor in establishing a yield or a number of lots for that particular subdivision. That yield and the size of the proposed residential dwellings shall be the final determining factor for the number of lots that may be achieved if the cluster option were selected.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-180/Ordinance #2013-13 (Authorizing the Establishment of a Teen Advisory Committee) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-180

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-13

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A TEEN ADVISORY COMMITTEE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on May 16, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at

which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-13

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A TEEN ADVISORY COMMITTEE OF THE TOWNSHIP OF MARLBORO

WHEREAS, at the start of his administration and as part of Mayor Hornik's 100 Day Plan for Progress in Marlboro, Mayor Hornik proposed that official Town committee status be given to the Teen Advisory Committee (TAC), which was formed in 2007; and

WHEREAS, TAC has been tasked by the Mayor and Township Council with exploring the special issues of Teens within the Township and undertaking various projects to enhance the quality of life for Teens and all Marlboro residents, and to promote communication and involvement between Teens, Marlboro residents, and Township government; and

WHEREAS, pursuant to Resolution 2008-76 the Mayor and Township Council established TAC, which started with eight members, and the organization has flourished with the enrollment and participation of over 1400 teens as registered members since its inception; and

WHEREAS, TAC is fundamentally a leadership development program of which community service is an integral part; and

WHEREAS, through its *DO GOOD!* initiatives and activities, TAC has responded to the needs of the community, municipal government, schools, and non-profit organizations, whenever it has been requested; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro, has determined that it is in the best interests of the youth of the Township to Adopt an Ordinance permanently establishing the Teen Advisory Committee to improve the life of teens within the Township and to encourage greater communication and involvement between teens and Township government in recognition of the outstanding work of the TAC.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that a Teen Advisory Committee of the Township of Marlboro be and is hereby established as follows:

A. Mission.

The purpose of the Teen Advisory Committee of the Township of Marlboro shall be to provide to the teens of Marlboro a forum

and opportunities for the development of community leaders and the teaching of leadership skills.

B. Membership; organization.

(1) Composition of Teen Advisory Committee. The Teen Advisory Committee shall be organized as follows:

- i. a Ten (10) member Executive Committee; and
- ii. a general membership population encompassing teens between the ages of 13-18, who may apply for membership on-line on the TAC page on the Township website; and
- iii. Three adult advisors to be appointed by the Mayor and who shall serve until their successors are appointed.

(2) Executive Committee of the Teen Advisory Committee.

- i. the ten (10) members of the Executive Committee shall be voted onto the Committee by the membership at large.

(3) Term.

The terms of office for members of the Executive Committee of the Teen Advisory Committee shall be as follows:

- i. Executive committee members shall be elected to a term of one (1) year, except that the members receiving the five (5) highest vote totals in each year's election will serve terms of two (2) years; and

C. Duties.

The Teen Advisory Committee shall administer, plan and manage the Teen and Youth initiatives of the Township of Marlboro and shall liaise with Teens, Adults and Municipal Departments to explore and undertake various projects to enhance the quality of life for Teens in the Township of Marlboro. The Teen Advisory Committee shall be a strictly advisory body with no power to regulate or promulgate rules and regulations. The Executive Committee of the Teen Advisory Committee is authorized to establish such sub committees as it deems appropriate. The Executive Committee shall report to the Township Council on an annual basis regarding the Committee's activities.

BE IT FURTHER ORDAINED that the TAC as presently constituted and the terms of all teen Executive Committee members shall continue.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that a certified copy of this ORDINANCE shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. The Executive Committee of the TAC

The following Resolution #2013-157 (Authorizing Engineering Services - 2013 Capital Improvements - CME) was introduced by reference, offered by Councilman Cantor and seconded by Council President LaRocca and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-157

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN CME ASSOCIATES AND THE TOWNSHIP OF MARLBORO FOR DESIGN, BID AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR VARIOUS INFRASTRUCTURE IMPROVEMENTS INCLUDED IN THE 2013 CAPITAL IMPROVEMENT PROGRAM FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township authorized various infrastructure improvements ("Project") as part of its 2013 Capital Program; and

WHEREAS, the Township is need of engineering design, bid and construction phase services in connection with this Project and has provided proposals dated April 15, 2013 and April 23, 2013 ("Proposals") for such Professional Services; and

WHEREAS, the Township of Marlboro and CME Associates have entered into a Professional Services Contract, awarded under a fair and open process, and seeks to amend such Contract to expand the scope of services to include the Professional Services (as defined hereinabove) for the Project at a fee not to exceed \$219,000.00 for such Professional Services, as further described and set forth in CME's Proposals, attached hereto and made a part hereof; and

WHEREAS, the value of the Professional Services Contract will exceed \$17,500.00 in the aggregate; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose from Accounts # 04-215-1308B060288, 04-215-1308C060288, 04-215-1308D060288, 04-215-1308E060288 and 04-215-1308H108297; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the Township of Marlboro to amend its contract with CME Associates to provide the required additional Professional Services for the Project in accordance with the Proposals; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, CME has previously completed and submitted a Business Entity Disclosure Certificate certifying that CME Associates has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Chapter 18 or N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate the law will be made during the term of the contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a Professional Services Contract between CME Associates and the Township of Marlboro, to expand the scope of services to include DESIGN, BID AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR VARIOUS INFRASTRUCTURE IMPROVEMENTS INCLUDED IN THE 2013 CAPITAL IMPROVEMENT PROGRAM by way of its Township Engineers ("Professional Services"), at a fee not to exceed \$219,000.00 for such Professional Services, as further described and set forth in CME's Proposals dated April 15, 2013 and April 23, 2013, be and is hereby authorized; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute, and the Clerk to witness, in a form legally acceptable to the Township Attorney, the Professional Services Contract described herein; and

BE IT FURTHER RESOLVED, that this Professional Services Contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5(1)(a)(i) and shall provide for compensation in an amount not to exceed \$219,000.00 for such additional Professional Services for the Project as described in the Proposals; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification shall be placed on file with this Resolution; and

BE IT FURTHER RESOLVED, that a copy of the Professional Services Contract and this Resolution shall be available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED, notice of award of the Professional Services Contract shall be published pursuant to law, and a certified copy of this Resolution shall be provided to each of the following:

- a. CME Associates, 1460 Route 9 South, Howell, NJ 07731
- b. Business Administrator
- c. Township Public Works Director
- d. Township Chief Financial Officer

The following Resolution #2013-158 (Authorizing Shared Services Agreement with Howell - Use of Firearms Range) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-158

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY, AMENDING AND RENEWING THE SHARED SERVICES
AGREEMENT WITH THE HOWELL TOWNSHIP DEPARTMENT OF POLICE
FOR THE USE OF THE HOWELL FIREARMS RANGE

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and Howell Township ("Howell") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the Township Council of the Township of Marlboro authorized the execution of a shared services agreement with Howell Township on December 9, 2010 for use of the Howell Township Firearms Range; and

WHEREAS, Marlboro desires to continue the utilization of the Howell Township's Firearms Range; and

WHEREAS, representatives of Marlboro and Howell have negotiated an amended Shared Services Agreement, a copy of which is annexed hereto as EXHIBIT A, and the terms of which are

incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the entry into the Shared Services Agreement is in the best interest of the residents and taxpayers of Marlboro,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Mayor is hereby authorized to execute the Shared Services Agreement annexed hereto as EXHIBIT A.

The following Resolution #2013-159 (Confirming Energy Contracts with Hudson Energy Services LLC and Constellation Energy) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Metzger and passed on a roll call vote of 5 - 0 in favor. Mayor Hornik announced this year's estimated savings would be approximately \$510,000.

RESOLUTION # 2013-159

A RESOLUTION CONFIRMING THE AWARD OF 24 MONTH CONTRACTS FOR ELECTRICITY SUPPLY TO HUDSON ENERGY SOLUTIONS FOR NON-LIGHTING ACCOUNTS AND CONSTELLATION ENERGY FOR LIGHTING ACCOUNTS

WHEREAS, on February 21, 2013, the Township Council of the Township of Marlboro authorized the Mayor or his designee to (R. 2013-97):

- (1) conduct internet-based auctions for the sale of electric power supplies through participation in the New Jersey E-Procurement Pilot Program in accordance with the provisions of the Local Unit Electronic Technology Pilot Program and Study Act; and
- (2) award a contract to and execute an agreement, in a form approved by the Township Attorney, with the lowest responsible bidder resulting from the aforementioned internet-based, reverse auctions for the purchase of electric power supplies, provided the bid accepted is less than the rate then being paid by the Township to JCP&L for the same electric generation service and also less than the "Price To Compare" amount established, in advance of the reverse auctions, by World Energy Solutions, Inc., the Township's on-line purchasing agent.

WHEREAS, on April 17, 2013, World Energy Solutions, Inc. conducted a reverse auction for the supply of electricity on behalf of the Township and Marlboro Board of Education; and

WHEREAS, there were seven (7) qualified bidders, and contracts for non-lighting and lighting accounts were ultimately awarded to the lowest bidders for a two year term beginning on or about July 1, 2013 and ending on or about June 30, 2015, as follows:

Account Type	Vendor	Fixed Price / kwh
Non-Lighting	Hudson Energy Services, LLC	.083890
Lighting	Constellation Energy	.053286

WHEREAS, these contracts will result in substantial savings estimated at 17 percent for non-lighting and 27 percent for lighting accounts based upon the current price offered by JCP&L, amounting to more than \$300,000.00 in savings over the term.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, and State of New Jersey that the contract awards made on April 17, 2013 pursuant to R. 2013-97 be confirmed for the supply of electricity for Township non-lighting and lighting accounts for a two year term beginning on or about July 1, 2013 and ending on or about June 30, 2015.

BE IT FURTHER RESOLVED that a certified true copy of this Resolution shall be provided to each of the following:

- A. Business Administrator
- B. Marlboro Township Chief Financial Officer
- C. Marlboro Township Director of Public Works

The following Resolution #2013-160 (Authorizing CDBG Grant Application for Improvements to Recreation Center and Library) was introduced by reference, offered by Council Vice President Marder and seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-160

WHEREAS, the US Department of Housing and Urban Development is sponsoring the FY2014 Community Development Block Grant (CDBG) program which will provide funding through a consortium of Monmouth County municipalities of which Marlboro is a member; and

WHEREAS, the Township has been advised that it is eligible to apply for funding for Americans With Disabilities Act (ADA) improvements to municipal buildings; and

WHEREAS, the Department of Public Works has identified several ADA improvement projects including upgraded doors at the Recreation Center and Library which may be eligible for funding; and

WHEREAS, the Township of Marlboro is interested in seeking out alternative sources of funding for public improvements; and

WHEREAS, the Mayor and Municipal Council of the Township of Marlboro wish to apply for funding under the FY2014 CDBG Program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the submission of a grant application for FY2014 CDBG funding for ADA building improvements at the Recreation Center.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and as there was no objection, the Clerk was asked to cast one ballot: Res. #2013-161 (Confirming Hurricane Sandy Emergency Contracts), Res. #2013-162 (Award of Bid - Interior Renovations for Police Dept.), Res. #2013-163 (Award of Bid - Electric Upgrades to Wells #3 and #4), Res. #2013-164 (Authorization to Apply for Federal Bulletproof Vest Partnership Grant), Res. #2013-165 (Authorizing Fireworks Permit/July 7(raindate July 21), Res. #2013-166 (Authorizing Microsoft Licensing Agreement), Res. #2013-167 (Award of Bid - Wells and Pump Service), Res. #2013-168 (Authorizing Application 2013/14 NJ CSIP Grant (Shade Tree), Res. #2013-169 (Authorizing Mon. County Mosquito Extermination Commission - Mosquito Spraying Program), Res. #2013-170 (Authorizing Hold Harmless Agreement with Mon. County Mosquito Commission - Desilting of Topanemus Brook), Res. #2013-171 (Authorizing Reimbursement of Expenses for Payment of Road Opening Fees - 6 Chesley Court), Res. #2013-172 (Authorizing Appointment of Police Custodian of Records), Res. #2013-173 (Authorizing Refund Driveway Inspection Fees - Rosemont), Res. #2013-174 (Authorizing Application to Emergency Water Protection Program of USDA National Conservation Service for Stream Cleaning and Debris Removal), Res. #2013-175 (Discharge of Mortgage - 8 Wicker Place), Res. #2013-176 (Redemption Tax Sale Certs - Various), Res. #2013-177 (Refunds for Overpayments - Various), Res.#2013-178(Refunds to WMUA - Various) and Res. #2013-179 (Authorizing Safety Award from Monmouth County JIF).

RESOLUTION # 2013-161

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH VARIOUS
VENDORS FOR HURRICANE SANDY STORM PREPARATION, RESPONSE
AND DEBRIS REMOVAL PURUSANT TO N.J.S.A. 40A:11-6
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Sandy on October 29, 2012; and

WHEREAS, Governor Christie declared a state of emergency in advance of the storm for the response and recovery efforts required by Hurricane Sandy; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ... performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, Hurricane Sandy brought damaging winds which resulted in substantial tree damage and widespread and extended power outages in the Township posing a threat to the health, safety and welfare of the public; and

WHEREAS, the Mayor and Office of Emergency Management determined that certain services and supplies were critical in order to address matters concerning the health, safety and welfare of the public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized and amended the following emergency contracts:

Vendor	Address	Service	Not to Exceed
Antonio Casola Nursery & Landscape	178 Hwy 34 & Schank Rd, Holmdel, NJ 07733	Debris Removal	35,220.00
Borough of Avalon (Philips & Jordon)	191 Philips & Jordon Rd, Robbinsville, NC 28771	Tree Removal	-10,000.00
Britton Industries	227 Bakers Basin Rd, Lawrenceville, NJ 08648	Debris Removal/Chipping	170,000.00
Freehold Cartage	PO Box 5010, Freehold, NJ 07728	Debris Removal	24,126.70
General Tree Experts	104 Hawkins Road, Englishtown 07726	Tree Removal	11,500.00
Lucas Construction Group	173 Amboy Road, Morganville, NJ 07751	Debris Removal	30,040.29

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Sandy from the Federal Emergency Management Agency (FEMA); and

WHEREAS, funds have been certified by the Chief Financial Officer in accounts 01-203-26-117-288 and 11-228-55-018.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards and emergency change orders pursuant to N.J.S.A. 40A:11-6 be confirmed for the emergency preparation, response and debris removal activities associated with Hurricane Sandy.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Emergency Management Coordinator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2013-162

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO NT&P CONSTRUCTION INC. FOR INTERIOR RENOVATIONS
FOR THE MARLBORO POLICE DEPARTMENT

WHEREAS, the Township of Marlboro as part of its 2012 capital program (106-1) authorized certain facility improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for INTERIOR RENOVATIONS FOR THE MARLBORO POLICE DEPARTMENT, and on March 27, 2013, received thirteen (13) bids, as follows:

Bidder	Base Bid	Alternate 1	Alternate 2	Total
NT&P Construction Inc. Old Bridge, NJ 08857	157,280.00	10,200.00	4,480.00	171,960.00
R.J. Michaels & Co., Inc. East Orange, NJ 07017	167,652.00	27,382.00	16,843.00	211,877.00
Tri-Form Construction Inc. Metuchen, NJ 08840	191,300.00	29,400.00	13,600.00	234,300.00

Eastern Construction & Electric, Inc. Wrightstown, NJ 08562	199,412.00	29,295.00	7,203.00	235,910.00
J.W.T. Excavating Co., Inc. Holmdel, NJ 07733	199,712.50	27,075.00	13,195.00	239,982.50
J&M Quality Contracting, LLC Neptune, NJ 07753	207,000.00	29,000.00	8,100.00	244,100.00
Adirondack Contracting, Inc. Sea Girt, NJ 08750	214,000.00	44,000.00	7,500.00	265,500.00
JRD Construction, Inc. Farmingdale, NJ 07727	238,306.00	29,706.00	8,788.00	276,800.00
Pharos Enterprises, LLC South Amboy, NJ 08879	264,000.00	23,000.00	7,000.00	294,000.00
3R Painting and Contracting Ocean, NJ 07712	265,750.00	29,000.00	10,000.00	304,750.00
Rocon Construction Group, Inc. Brielle, NJ 08730	259,356.00	33,507.00	13,260.00	306,123.00
Ascend Construction Management, Inc. Ocean, NJ 07712	276,600.00	59,500.00	6,500.00	342,600.00
Penn-Bower Inc. High Bridge, NJ 08829	327,000.00	57,000.00	10,000.00	394,000.00

; and

WHEREAS, the bid was comprised of a base bid, add Alternate 1 and add Alternate 2; and

WHEREAS, the bid submission of the apparent low bidder, NT&P CONSTRUCTION INC. of Old Bridge, NJ has been determined to be responsive as detailed in an April 8, 2013 memo transmitted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works to award the base bid plus Alternate 1 and Alternate 2 as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to NT&P CONSTRUCTION INC., whose address is 105 White Oak Lane, Suite 104, Old Bridge, NJ 08857 in an amount not to exceed \$171,960.00 for INTERIOR RENOVATIONS FOR THE MARLBORO POLICE DEPARTMENT; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with NT&P CONSTRUCTION INC., whose address is 105 White Oak Lane,

Suite 104, Old Bridge, NJ 08857 in an amount not to exceed \$171,960.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$171,960.00 are available for the aforesaid contract in Capital Account 04-215-12-08B-122288; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. NT&P CONSTRUCTION INC.
- b. Township Administration
- c. Director of Public Works
- d. Township Chief of Police
- e. Chief Financial Officer

RESOLUTION # 2013-163

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO
DEMAIO ELECTRICAL COMPANY, INC. FOR ELECTRICAL UPGRADES
TO WELLS #3 AND #4 FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2013 capital program (500-4) authorized well redevelopment and rehabilitation; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for ELECTRICAL UPGRADES TO WELLS #3 AND #4, and on April 9, 2013, received six (6) bids, as follows:

#	Bidder	Item 1 Well #3	Item 2 Well #4	Item 3 Allowance	Total Bid
1	DeMaio Electrical Company, Inc. Hillsborough, NJ 08844	61,700.00	61,700.00	5,000.00	128,400.00
2	Scalfo Electric Vineland, NJ 08360	63,500.00	63,000.00	5,000.00	131,500.00
3	Electro Maintenance Inc. Farmingdale, NJ 07727	74,600.00	74,600.00	5,000.00	154,200.00

4	Electrical Design & Construction Corp. Shrewsbury, NJ 07702	77,700.00	77,700.00	5,000.00	160,400.00
5	Manor II Electric Inc. Holmdel, NJ 07733	84,500.00	84,500.00	5,000.00	174,000.00
6	Starlite Electric, LLC Keansburg, NJ 07734	117,940.00	116,500.00	5,000.00	239,440.00

; and

WHEREAS, the bid submission of the apparent low bidder, DEMAI0 ELECTRICAL COMPANY, INC. of Hillsborough, NJ has been recommended for contract award by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works to award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to DEMAI0 ELECTRICAL COMPANY, INC., whose address is PO Box 5907, Hillsborough, NJ 08844-5907 in an amount not to exceed \$128,400.00 for ELECTRICAL UPGRADES TO WELLS #3 AND #4; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with DEMAI0 ELECTRICAL COMPANY, INC., whose address is PO Box 5907, Hillsborough, NJ 08844-5907 in an amount not to exceed \$128,400.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$128,400.00 are available for the aforesaid contract in Capital Accounts 06-215-12-10A-500288 and 06-215-13-10A-500288; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DEMAI0 ELECTRICAL COMPANY, INC.
- b. Township Administration
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-164

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO
APPLY FOR THE OFFICE OF JUSTICE PROGRAMS 2013
BULLETPROOF VEST PARTNERSHIP GRANT ACT, U.S. DEPARTMENT
OF JUSTICE (BVP) FOR THE MARLBORO TOWNSHIP POLICE

Whereas, the U.S Department of Justice, FY 2013 Bulletproof Vest Partnership Grant Act (BVP) is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and,

Whereas, the funds are dedicated funds and cannot be used for any other purpose; and,

Whereas, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests due for officers during years August 2013 to August, 2014;and,

Whereas, the funding is a reimbursement of half the cost that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit a grant application to the U.S. Department of Justice, Ballistic Vest Partnership (BVP) and execute an agreement for funding from the FY2013 Bulletproof Vest Partnership.

RESOLUTION # 2013-165

RESOLUTION AUTHORIZING THE ISSUANCE OF A FIREWORKS
DISPLAY PERMIT TO INTERNATIONAL FIREWORKS MFG. CO.INC.

WHEREAS, N.J.S.A. 21:3-1, *et seq.* regulates the sale, exposure for sale, use, distribution or possession of fireworks or pyrotechnics in the State of New Jersey so as to advance the interests of public health, safety and welfare of the people of the State of New Jersey; and

WHEREAS, upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.*, and more particularly those set forth in N.J.S.A. 21:3-3, the governing body of any municipality may, by resolution, approve the granting of a permit for said purposes to a qualified organization, when such display is to be handled by a competent operator in the manner approved by the Chief of the Police and the Fire Department of the municipality so as not to be hazardous to property or endanger any person or persons; and

WHEREAS, INTERNATIONAL FIREWORKS MFG. CO. INC. has applied for a permit to conduct a fireworks display within the Township of Marlboro on July 7, 2013 (with a rain date of July 21, 2013) upon satisfaction of the conditions set forth in N.J.S.A. 21:3-1, *et seq.* and in accordance with all applicable New Jersey Administrative Code regulations promulgated in accordance therewith, as amended from time to time.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey does hereby grant approval to INTERNATIONAL FIREWORKS MFG. CO. INC. to conduct a fireworks display on July 7, 2013 (with a rain date of July 21, 2013) within the Township of Marlboro pursuant to N.J.S.A. 21:3-1, *et. seq.*, and more particularly N.J.S.A. 21:3-3, subject to:

1. Receipt of approval by the Chief of the Police and Fire Department in accordance with the above; and

2. The posting of adequate surety which may be cash, government bonds, personal bond, or other form of insurance in a sum of not less than Two Thousand Five Hundred Dollars (\$2,500.00), N.J.S.A. 21:3-5; and

3. The furnishing of the necessary Certificates of Insurance to the Township in a form acceptable to the Township Attorney.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. INTERNATIONAL FIREWORKS MFG. CO. INC.
2. The Chief of the Police and Fire Department
3. The Fire Prevention Bureau
4. Township Business Administrator

RESOLUTION # 2013-166

A RESOLUTION AUTHORIZING CONTRACT WITH DELL MARKETING LP
FOR THE PURCHASE OF MICROSOFT SERVER AND CLIENT SOFTWARE
IN THE TOWNSHIP OF MARLBORO INFORMATION TECHNOLOGY
DEPARTMENT UNDER NJ STATE CONTRACT 77003

WHEREAS, the Marlboro Township Information Technology Department, as part of the Township's approved 2013 Capital Program (033-1), has recommended that the Township purchase Microsoft Server and Client software (Year 3) under the NJ State Contract 77003; and

WHEREAS, it is necessary for operations to upgrade the Township's Technology Infrastructure to the latest versions of Microsoft Server and Client software to more efficiently and securely serve the needs of the Township; and

WHEREAS, the most cost-effective way to purchase the software is by entering into an Enterprise Agreement with Microsoft which allows the Township to remain current on any future releases of all software purchased for a period of three years, at which point the Agreement can be extended at reduced costs for another 3 year period; and

WHEREAS, purchasing the software will allow for decreased operating expenses in future operating budgets as existing 3rd party systems are replaced by functionality included in the Microsoft software; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Information Technology Department has reviewed the information received and has recommended that DELL MARKETING LP be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number 04-215-13-08A-033297 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with DELL MARKETING LP whose address is ONE DELL WAY, ROUND ROCK, TX 78682 for the provision of Microsoft Server and Client software under NJ State Contract 77003 in an amount not to exceed \$83,321.65; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. DELL MARKETING LP
- b. Township Administrator
- c. IT Network Administrator
- d. Township Chief Financial Officer

RESOLUTION # 2013-167

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO A.C. SCHULTES, INC. FOR MAINTENANCE AND SERVICE

OF WELLS AND PUMPS FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS WATER UTILITY DIVISION

WHEREAS, the Township of Marlboro as part of its 2013 capital program (500-4) authorized certain water utility system improvements; and

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for MAINTENANCE AND SERVICE OF WELLS AND PUMPS, and on April 10, 2013, received two (2) bids, as follows:

#	Bidder	Bid Amount
1	A.C. Schultes, Inc. Woodbury Heights, NJ 08097	\$155,550.00
2	Layne Christensen Company Beverly, NJ 08010	\$201,633.50

; and

WHEREAS, the bid submission of the apparent low bidder, A.C. SCHULTES, INC. of Woodbury Heights, NJ has been determined to be responsive as detailed in an April 25, 2013 memo transmitted by the Director of Public Works; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Director of Public Works to award the bid as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$155,550.00 for MAINTENANCE AND SERVICE OF WELLS AND PUMPS; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness, a contract with A.C. SCHULTES, INC., whose address is 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 in an amount not to exceed \$155,550.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that sufficient funds in the amount of \$155,550.00 are available for the aforesaid contract in Accounts 05-201-55-200-288-020 and 01-201-26-122-288412; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. A.C. SCHULTES, INC.
- b. Township Administration
- c. Director of Public Works
- d. Chief Financial Officer

RESOLUTION # 2013-168

A RESOLUTION AUTHORIZING AN APPLICATION
TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
DIVISION OF PARKS AND FORESTRY FOR A COMMUNITY
STEWARDSHIP INCENTIVE PROGRAM (CSIP) GRANT

WHEREAS, the CSIP Grant provides municipalities or counties with funds to assist them in the implementation of forestry goals and objectives as stated in their five year community forestry management plan; and

WHEREAS, any municipality or county with Approved Status under the New Jersey Shade Tree and Community Forestry Assistance Act is eligible to apply for a CSIP Grant; and

WHEREAS, Marlboro Township has Approved Status under the New Jersey Shade Tree and Community Forestry Assistance Act and is eligible to apply for a CSIP Grant; and

WHEREAS, the CSIP program requires a 25% in-kind or cash match; and

WHEREAS, the Shade Tree Committee has recommended making application for funding to implement the goals and objectives stated in the Township's five year community forestry management plan.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, Monmouth County, New Jersey, that the Mayor and Township Clerk are hereby authorized to submit a grant application to the New Jersey Department of Environmental Protection, Division of Parks & Forestry for a Community Stewardship Incentive Program (CSIP) grant.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signatures constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to send copies of this resolution to the following:

1. NJDEP, Division of Parks and Forestry
2. Business Administrator
3. Shade Tree Committee
4. Chief Financial Officer

RESOLUTION # 2013-169

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that it does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Township of Marlboro.

We understand that all pesticides used are approved for aerial application by the State and Federal governments.

It is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

This approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

RESOLUTION # 2013-170

A RESOLUTION AUTHORIZING EXECUTION OF A HOLD HARMLESS AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION FOR THE PROVISION OF MOSQUITO CONTROL ACTIVITIES WITHIN THE TOWNSHIP OF MARLBORO

WHEREAS, the Monmouth County Mosquito Extermination Commission (the "Commission") assists in the maintenance of quality of life for the residents of Monmouth County which includes the reduction of potential mosquito breeding areas within Monmouth County; and

WHEREAS, the Commission is charged with the control of the breeding of mosquitoes within the County, including certain stream cleaning activities, de-silting and de-snagging of waterways and the removal of blockages which present a potential for mosquito breeding; and

WHEREAS, the Township of Marlboro has requested that the Commission perform mosquito control related activities within the Township consisting, among other actions, of the de-silting and de-snagging of Topanemus Brook to the north of Colts Run and Steeplechase Drive (the "Mosquito Control Program"); and

WHEREAS, in order to commence the Mosquito Control Program, it is necessary for the Township to enter into a Hold Harmless Agreement with the Commission, in a form substantially similar to that attached hereto; and

WHEREAS, the Township Council of the Township of Marlboro deems that it is in the best interests of the public health, safety and welfare to embark upon the Mosquito Control Program and desires to enter into such Hold Harmless Agreement with the Commission in order to commence the Mosquito Control Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro that the Mayor and Township Clerk be and are hereby authorized to execute the Hold Harmless Agreement with the Monmouth County Mosquito Extermination Commission in a form substantially similar to that attached hereto, as required for the Mosquito Control Program (as defined and described hereinabove); and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Monmouth County Mosquito Extermination Commission
- b. Township Business Administrator
- c. Township Engineer
- d. Township Director of Public Works
- e. Chief Financial Officer

RESOLUTION # 2013-171

RESOLUTION AUTHORIZING THE REIMBURSEMENT OF EXPENSES
FOR THE PAYMENT OF ROAD OPENING FEES FOR 6 CHESLEY COURT,
MORGANVILLE, NEW JERSEY PURSUANT TO MARLBORO CODE
SECTION 24, EMERGENCY SERVICE PROVIDERS

WHEREAS, by Marlboro Code Section 24-4, adopted on April 26, 2001, the Township of Marlboro provides for the exemption from the payment of any Township permit fees by any member in good standing of a volunteer fire company or volunteer first aid squad, and

WHEREAS, Michael Friedberg residing at 6 Chesley Court, Morganville is a member in good standing of the Marlboro First Aid Squad, and

WHEREAS, Michael Friedberg applied to the New Jersey Natural Gas Company for the purpose of converting his home heating from oil to gas service, and was required to pay permit fees directly to the New Jersey Natural Gas Company in the total amount of \$175.00, and

WHEREAS, the New Jersey Natural Gas Company submitted an application for a Street Opening Permit for the above-referenced address dated January 18, 2013, received January 24, 2013, which had included with it a \$100 application fee and a \$75 inspection fee, which were deposited into the road opening accounts maintained by the Township, and

WHEREAS, the Township Engineer received and reviewed a request for reimbursement of funds by the owner of 6 Chesley Court for the \$100 application fee and \$75 inspection fee, and found that the owner is a member in good standing of the Marlboro First Aid squad and is entitled to a reimbursement of the \$100 application fee pursuant to Marlboro Code Section 24-4A., and

WHEREAS, the Township Engineer recommends that such request for reimbursement be approved by the Mayor and Township Council subject to the following conditions: (1) the review and approval of the Township Chief Financial Officer; (2) the verification of available funds; and

WHEREAS, the Township Council desires to take the following action regarding the reimbursement of monies for payment of a road opening application fee at the property known as 6 Chesley Court, Block 257, Lot 11, Morganville, Monmouth County, New Jersey.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the amount of \$100.00 from the Appropriated Funds (as defined hereinabove), be paid to the owner of 6 Chesley Court, Block 257, Lot 11, Morganville, Monmouth County, New Jersey, for the reimbursement of a road opening permit fee paid by an emergency service provider in accordance with the provisions of Marlboro Code Section 24-4, and subject to the following conditions:

(1) the review and approval of the Township Chief Financial Officer;

(2) the verification of available funds;

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Michael Friedburg
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Township Engineer

RESOLUTION # 2013-172

A RESOLUTION ADOPTING A FORM FOR USE IN REQUESTING
GOVERNMENT RECORDS PURSUANT TO THE OPEN PUBLIC
RECORDS ACT, N.J.S.A. 47:1A-1, ET SEQ.

WHEREAS, the Open Public Records Act ("OPRA") requires that a form be adopted for use by any person requesting access to a government record held or controlled by a public agency; and

WHEREAS, the Government Records Council has provided municipalities with a revised model form for use by records custodians; and

WHEREAS, it is the practice in Marlboro Township, that the Police Division handle requests for police records; and

WHEREAS, the Police Chief has recommended that Captain Brian Hall be designated as the records custodian for police records; and

WHEREAS, the Police Chief has recommended that the attached form be made available for use by individuals seeking records from the Marlboro Police Division.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that the appointment of Captain Brian Hall as records custodian for records maintained by the Police Division is hereby approved, ratified and affirmed; and

BE IT FURTHER RESOLVED that the attached form is approved for use by the Marlboro Police Division when records requests are made to the Police Division;

BE IT FURTHER RESOLVED THAT, a certified copy of this Resolution shall be provided to each of the following:

- a. Marlboro Police Chief
- b. Mayor Jonathan Hornik
- c. Marlboro Township Clerk

RESOLUTION # 2013-173

WHEREAS, the Township collected driveway inspection fees from Rosemont Estates LLC for units with Rosemont Estates; and

WHEREAS, the driveway inspection fees were deposited in the Current Fund; and

WHEREAS, Rosemont Estates LLC was also billed for driveway inspections through its escrow account during this period; and

WHEREAS, the Township Engineer has confirmed that Rosemont Estates LLC is due a refund for driveway inspection fees collected and deposited in Current Fund between 2008 and 2012 in the amount of \$4,700.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that a refund be issued to Rosemont Estates LLC, 242 Route 79, Morganville, NJ 07751 in the amount of \$4,700.00.

RESOLUTION # 2013-174

WHEREAS, The Emergency Watershed Protection Program (EWP) was set up by Congress to respond to emergencies created by natural disasters; and

WHEREAS, the EWP is designed to relieve imminent hazards to life and property caused by floods, fires, windstorms, and other natural occurrences; and

WHEREAS, all projects undertaken must be sponsored by a political subdivision of the State, such as a city, county, general improvement district, or conservation district; and

WHEREAS, the USDA Natural Resources Conservation Service (NRCS) is responsible for administering the program; and

WHEREAS, the Township filed a letter of intent to make application dated April 1, 2013 and has identified several locations affected by Superstorm Sandy which have been preliminarily reviewed by the NRCS in a field visit conducted on April 23, 2013; and

WHEREAS, the Township of Marlboro is interested in pursuing alternative sources of funding for stream cleaning and debris removal projects; and

WHEREAS, a 25% match is required of the local participating entity for which funds have already been authorized through the 2013 capital program; and

WHEREAS, the Mayor and Municipal Council of the Township of Marlboro wish to apply for funding from the USDA NRCS.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that Marlboro Township hereby endorses the

submission of a grant application for funding for stream cleaning and debris removal projects from the USDA Natural Resources Conservation Service.

RESOLUTION # 2013-175

A RESOLUTION OF THE MARLBORO TOWNSHIP TOWN COUNCIL
AUTHORIZING A DISCHARGE OF A MORTGAGE DATED OCTOBER 28, 2004,
AND RECORDED ON NOVEMBER 16, 2004, WHICH WAS FILED AGAINST
A PROPERTY LOCATED AT 8 WICKER PLACE, MARLBORO, NEW JERSEY

WHEREAS, a residential unit commonly known as 8 Wicker Place, Marlboro, New Jersey ("the Property"), was acquired by Elaine Nunez on April 27, 1981; and

WHEREAS, in 2004 Elaine Nunez made application to the Township of Marlboro under Marlboro's Housing Rehabilitation Program for assistance from Marlboro in order to make certain repairs to the Property to correct defects and to satisfy Section 8 housing code standards; and

WHEREAS, said repairs were sought to be made to the Property in furtherance of Marlboro Township's rehabilitation component of its affordable housing program; and

WHEREAS, as part and parcel of the foregoing application Elaine Nunez executed a mortgage to Marlboro Township on October 28, 2004; and

WHEREAS, the mortgage was subsequently recorded in the Monmouth County Clerk's Office on November 16, 2004, in Mortgage Book 8415 Page 9042 et seq.; and

WHEREAS, Elaine Nunez died on August 15, 2010; and

WHEREAS, on or about August 27, 2012, the Estate of Elaine Nunez entered into a contract for sale with Subash K. Bharadway and Gita Raman for the sale of the Property; and

WHEREAS, the foregoing mortgage from Elaine Nunez to the Marlboro Township needs to be discharged as part and parcel of the sale of the Property; and

WHEREAS, the Marlboro Township Council finds that there is good cause for the release and discharge of the foregoing mortgage for the reasons sets forth herein and because of the anticipated change in ownership from the Estate of Elaine Nunez to Subash K. Bharadway and Gita Raman;

NOW THEREFORE BE IT RESOLVED that the Honorable Mayor Jonathan L. Hornik is hereby authorized to sign the attached discharge of mortgage on the Property as aforesaid;

BE IT FURTHER RESOLVED that subsequent to Mayor Hornik's signature of said discharge of the mortgage as to the Property, the discharge will be recorded in the Monmouth County Clerk's Office;

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Township Business Administrator, Jon Capp;
- b. Thomas P. Howley, Municipal Housing Liaison;
- c. Kenneth W. Biedzynski, Affordable Housing Special Counsel.

RESOLUTION # 2013-176

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 106,335.87 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 106,335.87 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-005	107/1	Singh Real Estate	30,008.85
29 Wicker Place		555 Lincoln Drive Marlton, NJ 08053 Assessed Owners: Rublin Contractors, LLC	
11-33	180/83.54	Virgo Municipal Finance Fund	67,919.68
72 Edgewater Road		1441 Broadway Suite 5010 New York, NY 10018 Assessed Owners: Edgewater Road in Marlboro, LLC	
2012-041	173/7/C0284	KCTS Investments, LLC	1,730.61
284 Fairfield Place		4 C Colfax Manor Roselle Park, NJ 07204 Assessed Owner: Federal National Mortgage Assn.	

2013-016	127/5	DBW TL HOLDCO 2013	5,501.40
22 Baldwin Avenue		P.O. Box 823845	
		Philadelphia, PA 19182	
		Assessed Owner:	
		Hatch, Norman & Jacqueline	
2012-081	268.04/21	HEMCO Capital, LLC	1,175.33
16 Crest Drive		P.O. Box 835	
		Lakewood, NJ 08701	
		Assessed Owners:	
		Rijhsighani, Rajan & Rekha	
TOTAL:			106,335.87

RESOLUTION # 2013-177

WHEREAS, the attached list in the amount of \$ 4,086.55 own as Schedule "A", is comprised of amounts representing overpayments for 2012 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2012 REFUND</u>
193.14/1		Vesce, Charles A. Jr. & Joan 414 Edinburgh Place Marlboro, NJ 07746	4,086.55
Total:			<u>4,086.55</u>

RESOLUTION # 2013-178

WHEREAS, delinquent sewer charges totaling \$ 1,605.51 has been paid to the township on behalf of Western Monmouth Utilities Authority to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$ 1,605.61 be refunded to Western Monmouth Utilities Authority.

Schedule "A"

<u>SEWER ACCT#</u>	<u>BLOCK/LOT</u>	<u>PAYEE/PROPERTY LOC.</u>	<u>AMT.</u>
10548	125/4	Phoenix Funding, Inc. 16 Wilson Avenue	162.69
23518	253/38	Marlboro Twp. BOE 1980 Township Drive	233.00
22717	214.03/4	MTAG Cust. for ATCF II NJ 2 Lowery Lane	540.53
13751	268/79	Arky's Auto Sales 77 Route 520	299.32
23916	219/3	Stuart H. Lasher 26 Hudson Street	205.63
21968	412/307/C0037	Stuart H. Lasher 37 Thrasher Street	164.44
TOTAL:			1,605.61

RESOLUTION # 2013-179

A RESOLUTION ACKNOWLEDGING THE HURRICANE SANDY RECOGNITION PLAQUE AND SAFETY AWARD RECEIVED FROM THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND'S EXECUTIVE SAFETY COMMITTEE

WHEREAS, the Township of Marlboro is a member of the Monmouth County Municipal Joint Insurance Fund ("Monmouth JIF"); and

WHEREAS, the Monmouth JIF's Executive Committee and Executive Safety Committee recognize the exemplary safety performance of its member municipalities, the Governing Body, Municipal Employees and Volunteers during Hurricane Sandy which occurred on October 29, 2012, and in the aftermath in the weeks following the storm; and

WHEREAS, the Monmouth JIF recognized the outstanding safety performance of their entire membership at the Monmouth JIF's Annual Safety Breakfast Event with a recognition plaque and safety award; and

WHEREAS, the Governing Body of the Township of Marlboro has reviewed the recognition plaque and award and has publicly acknowledged receipt of said award in this meeting; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the Monmouth JIF's Fund Recognition be accepted; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to the Executive Director of the Monmouth JIF.

At 8:30PM, Council Vice President Marder moved that the meeting be adjourned. This was seconded by Council President LaRocca, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JUNE 13, 2013

OFFERED BY: METZGER

AYES: 4

SECONDED BY: CANTOR

NAYS: 0

ABSTAIN: LA ROCCA

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT